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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,313	03/09/2006	Fumio Kato	INA-0004	4181
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EXAMINER				
TRAN, THIEN S				
ART UNIT		PAPER NUMBER		
3742				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,313

Applicant(s)

KATO, FUMIO

Examiner

THIEN TRAN

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 3/9/2006.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 3/9/2006, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered because the references do not have an English translated abstract and/or foreign patent document.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Sivetz (US Patent 3,964,175).

4. Regarding claim 1, Sivetz teaches a roaster for powder and granular material (Col 3, Lines 54-59) comprising: a charging port through (Figs 5 & 6, Items 88, Col 8, Lines 31-34) which powder (Figs 5 & 6, Item 24a, Col 8, Lines 29-33) is charged; a drum housing (Figs 5 & 6, Item 84, Col 8, Lines 27-31 & Lines 39-42) the powder charged through said charging port; and a heating unit (Fig 6 & 8, Items 114 & 115, Col

8, Lines 57-65, which receive heated air from a source utilizing well know principles) heating the powder (Fig 8, Item 24, Col 8, Lines 57-65) housed in said drum; wherein a preheating chamber (Fig 5 & 6, Item 82, Col 8, Lines 27-31 & 39-42) which preheats the powder charged through said charging port (Fig 5 & 6, Items 24a & 88, Col 8, Lines 31-36), and communicates (Fig 5 & 6, Item 116, Col 9, Lines 23-34) with said drum (Figs 5 & 6, Item 84, Col 9, Lines 23-34), is provided between said charging port and said drum. Examiner interprets that the housing (Fig 5 & 6, Item 84) of Sivetz is equivalent to the applicant's drum housing because it can perform the function of roasting the coffee beans inside the housing.

5. Regarding claim 3, Sivetz teaches where the hot air supplied by said hot air supply unit to said preheating chamber is an air heated by a heating unit (Fig 6 & 8, Items 114 & 115, Col 8, Lines 57-65, which receive heated air from a source utilizing well know principles) heating the powder housed in said drum (Fig 5 & 6, Items 112a & 112b, Col 8, Lines 65-68).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sivetz (US Patent 3,964,175) in view of Sivetz (US Patent 3,964,175).

9. Regarding claim 2, Sivetz teaches wherein said preheating chamber comprises: a powder support member (Figs 6 & 8, Item 102, Col 8, Lines 65-68 & Col 9, Lines 1-6) supporting the powder (Fig 8, Item 24, Col 8, Lines 57-65) charged through said charging port (Figs 5 & 6, Items 88, Col 8, Lines 31-34), and having a large number of through-holes (Fig 6, Items 108, Col 9, Lines 7-10); a hot air supply unit supplying hot air from the lower side (Fig 6, Items 112a, 112b, 113a & 113b, Col 8, Lines 65-68 & Col 9, Lines 1-5) of said powder support member. Sivetz does not teach where an exhaust unit discharging the air in the chamber out into the external. In analogous art of coffee roasting system, Sivetz discloses an exhaust unit (Fig 1 & 2, Items 16 & 68, Col 7, Lines 29-35 & Lines 45-49) discharging the air in the chamber out into the external for the benefit of enabling outflow of the still warm air after it has passed through the mobilized beans (Col 7, Lines 45-48). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the preheating chamber of Sivetz with the

exhaust unit of Sivetz for the benefit of enabling outflow of the still warm air after it has passed through the mobilized beans.

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sivetz (US Patent 3,964,175) as applied to claim 1, in view of Lemme (US Patent 5,638,607).

11. Regarding claim 4, Sivetz does not teach where the drum is supported by a plurality of rotating components in a rotative manner, all of or, a part of said rotating components having a plurality of stepped portions formed thereon by which said drum is agitated. In analogous art of coffee roaster, Lemme discloses where the drum (Figs 2 & 7, Item 64, Col 6, Lines 22-25) is supported by a plurality of rotating components (Figs 2 & 7, Item 56, 60 & 70, Col 6, Lines 29-33) in a rotative manner, all of or, a part of said rotating components having a plurality of stepped portions (Figs 2, 4 & 7, Items 56 & 60, Lines 29-33) formed thereon by which said drum is agitated for the benefit of supporting and driving the drum (Col 6, Lines 9-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sivetz and the rotating components of Lemme for the benefit of supporting and driving the drum. Examiner interprets that the drive motor and rollers (Figs 2, 4 & 7, Items 50, 54, 56 & 60) can perform the function of agitating the drum because the motor can be driven in the forward and reversible position (Col 6, Lines 37-39).

12. Regarding claim 5, as applied to claim 1 and 4, Sivetz does not teach where said drum has a flange portion on the outer circumference thereof, each of said rotating components has a groove allowing said flange portion to be inserted therein, and said

stepped portion is formed either on the outer circumferential surface of said flange portion or on the ring formed outer circumferential surfaces in the groove of said rotating components on which the flange portion inserted in said groove is rolled. In analogous art of coffee roaster, Lemme discloses where said drum (Figs 2 & 7, Item 64, Col 6, Lines 22-25) has a flange portion (Figs 2 & 7, Item 68, Col 6, Lines 29-33) on the outer circumference thereof, each of said rotating components (Figs 2 & 7, Item 60, Col 6, Lines 29-33) has a groove allowing said flange portion to be inserted therein (Col 7, Lines 32-35), and said stepped portion is formed either on the outer circumferential surface of said flange portion (Figs 2 & 7, Item 66, Col 6, Lines 29-33) or on the ring formed outer circumferential surfaces in the groove of said rotating components (Figs 2 & 7, Items 56 & 60, Col 6, Lines 29-33) on which the flange portion inserted in said groove is rolled for the benefit of supporting and driving the drum (Col 6, Lines 9-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sivetz and the flange and rotating components of Lemme for the benefit of supporting and driving the drum.

13. Regarding claim 6, as applied to claim 4, Sivetz does not teach wherein said rotating components are configured by a first and a second rotating components disposed on one lower lateral side of said drum and coupled with each other through one coupling axis, and a third and a fourth rotating components disposed on the other lower lateral side of said drum and coupled with each other through the other coupling axis in parallel with said one coupling axis, and said stepped portions are formed on both of said first and said second rotating components disposed ahead in the direction

of movement of the powder housed in said drum caused by rotation thereof, or on both of said third and fourth rotating components. In analogous art of coffee roaster, Lemme discloses where said rotating components are configured by a first and a second rotating components disposed on one lower lateral side of said drum and coupled with each other through one coupling axis (Figs 2 & 7, Item 70, Col 6, Lines 29-33), and a third and a fourth rotating components disposed on the other lower lateral side of said drum and coupled with each other through the other coupling axis in parallel with said one coupling axis (Figs 2 & 7, Items 56 & 60, Col 6, Lines 29-33), and said stepped portions are formed on both of said first and said second rotating components disposed ahead in the direction of movement of the powder housed in said drum caused by rotation thereof, or on both of said third and fourth rotating components (Figs 2 & 7, Items 56 & 60, Col 6, Lines 29-33) for the benefit of supporting and driving the drum (Col 6, Lines 9-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Sivetz and the rotating components of Lemme for the benefit of supporting and driving the drum.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Thurs, 8-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THIEN TRAN/
Examiner, Art Unit 3742
/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742